

2010 SUPPORTING STATEMENT
FRUIT AND VEGETABLE MARKETING ORDERS
GENERIC OMB FRUIT CROPS
OMB NO. 0581-0189

A. JUSTIFICATION

1. EXPLAIN THE CIRCUMSTANCES THAT MAKE THE COLLECTION OF INFORMATION NECESSARY. IDENTIFY ANY LEGAL OR ADMINISTRATIVE REQUIREMENTS THAT NECESSITATE THE COLLECTION.

Marketing Orders (Orders) and Agreements (Agreements) are authorized by the Agricultural Marketing Agreement Act of 1937. (7 U.S.C. 601-674; Act). This legislation was designed to permit the regulation of certain agricultural commodities for the purpose of providing orderly marketing conditions in interstate and intrastate commerce and improving returns to producers. The Act provides in section 608(d)(1) that information necessary to determine the extent to which an order has effectuated the declared policy of the Act shall be furnished at the request of the Secretary of Agriculture (Secretary).

Orders and Agreements become effective only after public hearings are held in accordance with formal rulemaking procedures specified by the Act. Orders and Agreements can authorize the issuance of grade, size, quality, maturity, inspection requirements, pack and container requirements, and pooling and volume regulations. Some Orders also provide authority for research and development, including paid advertising. Pursuant to section 608(e)(1) of the Act, certain grade and condition requirements are imposed on commodities imported into the United States for which Orders regulate domestic production.

This information collection is necessary for the Secretary and the Committees to monitor adherence to the Order regulations.

2. INDICATE HOW, BY WHOM, HOW FREQUENTLY, AND FOR WHAT PURPOSE THE INFORMATION IS TO BE USED. EXCEPT FOR A NEW COLLECTION, INDICATE THE ACTUAL USE THE AGENCY HAS MADE OF THE INFORMATION RECEIVED FROM THE CURRENT COLLECTION.

Marketing Orders and Agreements, along with the rules and regulations issued thereunder, authorize Committees to collect certain information from handlers and producers. (7 CFR Part 900). As a convenience to the handlers and producers who are required to submit this information, the AMS and the Committees have created the forms listed below as a means for providing the requested information to the appropriate Committee. These forms require the minimum information necessary to effectively carry out the requirements of the appropriate Order or Agreement.

Since the last renewal in 2007, these forms have undergone cosmetic changes, such as changes to Committee addresses and phone numbers. Many of these forms have not been updated in years, so changes were made to margin size and formatting to give a consistent

look to the all the forms. Due to the prevalence of on-line communication, several of the forms have started requesting e-mail addresses as part of the contact information that has been collected in the past.

The AMS issues and maintains certain forms, which are mandated by the Marketing Orders:

- a. **Confidential Background Questionnaire/Statement: FV-163 (§ 905.23); FV-164 (§ 905.23); FV-82 (§ 906.23); FV-97 (§ 915.23); FV-97-1 (§ 915.23); FV-84 (§ 916.23); FV-76 (§ 917.22); FV-266 (§ 920.25); FV-266-1 (§ 920.25); FV-152 (§ 922.21); FV-23 (§ 923.23); FV-15 (§ 924.23); FV-74 (§ 925.22); FV-120 (§§ 927.20, 927.26); FV-129 (§§ 927.20, 927.26); FV-259 (§ 929.20); and FV-260 (§ 929.22):** Each Marketing Order or Agreement is administered by a Committee consisting of producers or growers, handlers, and the public. Committee nominees are required to complete and submit this form, which requests information pertaining to the nominee's relation to the industry overseen by the Committee on which he or she wishes to serve. The Secretary uses this information to determine whether nominees are eligible to serve in the positions for which they are nominated. In some cases, this form contains a certification that the nominee will adhere to certain Committee ethics regulations if elected.
- b. **Committee Ballots/Nominations: FV-208 (§§ 915.22, 915.115); No form number (§ 915.22); FV-216 (§ 915.115); No form number (§ 916.22); No form number (§ 917.22); No form number (§ 920.122); FV-650 (§ 929.22 (e)(1)&(2)); and FV-651 (§ 929.22(f)(1)):** This form is used by producers and handlers to nominate candidates to serve as producer, handler, and public members on the Committees. The forms are submitted to the Committees, who manage the election process.

In the case of the Kiwifruit Administrative Committee, which has 11 seats spread over three production districts, the member representation is based on the previous five-year average production. The number of open seats will therefore change yearly. The Kiwifruit Administrative Committee will modify its ballot and nomination forms annually to reflect the number of open seats, and to accommodate more than two seats, if necessary.

- c. **Letter of Acceptance: No form numbers (§§ 905.28, 906.25, 915.25, 922.25, 924.25, 925.25, 929.25):** A letter of acceptance is mailed for signature by the Secretary to each Committee nominee who gains a seat on the Committee. By signing the letter, the Committee member agrees to serve and administer the Order and Agreement to the best of their ability. The letter of acceptance that is used by the Florida Citrus Administrative Committee was loaded into ROCIS as a representative sample, since the letter does not have any burden associated with it. All of the other Committees use similar letters. The Kiwifruit Administrative Committee, however, has stopped using this form, adding instead a section to forms FV-266 and FV-266-1 to fulfill this need.

- d. **Marketing Agreement/Handler Agreement: FV-162; FV-81; FV-96; FV-85; FV-93; FV-71; FV-151; FV-21; FV-14; FV-78; FV-119; FV-130; and FV-263 (§ 900.14):** This form is used whenever an Order is promulgated or amended. Handlers voluntarily sign the Agreement, indicating their willingness to abide by the regulations in the respective Order. Referendum agents distribute and collect the Marketing Agreements from the handlers.
- e. **Certificate of Resolution/Cooperative's Certified Resolution: FV-162A; FV-306-A; FV-306-B; FV-151A; FV-21A; FV-14A; FV-119A; and FV-130A (§ 900.14):** Occasionally a corporation or cooperative's board of directors may attach this form to the Marketing Agreement, to validate that the organization agrees to be a party to the Agreement.
- f. **Producer Referendum Ballot: FV-160 (§§ 900.14, 905.83); FV-161 (§ 905.83); FV-83 (§§ 900.14, 906.55); FV-98 (§ 900.14 and 915.64); FV-304 (§§ 900.14, 916.64, 917.61); FV-92-A (§ 917.61); FV-92-B; FV-305-A; and FV-305-B (§ 900.14); FV-70 (§§ 900.14, 920.63(c)); FV-150, FV-150A, and FV-150B (§§ 900.14, 922.64); FV-22, FV-22A and FV-22B (§§ 900.14, 923.64); FV-13, FV-13A, and FV-13B (§§ 900.14, 924.64); FV-77 (§§ 900.14, 925.63); FV-118, FV-118A, and FV-118B (§§ 900.14, 927.78); FV-286 (§ 900.403); FV-128, FV-128A, and FV-128B (§§ 900.14, 927.78); FV-53 (§ 929.69); and FV-288 and FV-287 (§ 900.403):** These forms are used by producers and growers to vote on the continuance of an Order, and by Committees to verify voter eligibility. Cooperatives may bloc-vote, but must attach a Certificate of Resolution to verify that the cooperative resolved to do so. Three of these forms (FV-286, FV-287, and FV-288) are strictly for voting on amendments to the Cranberry Marketing Order. FV-304 encompasses forms FV-304A (nectarine voters) and FV-304B (peach and pear voters) to bring all three commodities into one ballot.
- g. **Special Purpose Shipment: FV-212 (§§ 915.55, 915.140); No form number (§§ 923.54, 923.322):** This form is used by handlers and receivers to report to the Committee on shipments made under Certificates of Privilege to special purpose or exempt outlets. This information is used by the Committee for compliance purposes.
- h. **Application for Registered Handler: FV-209 (§§ 915.50(c), 915.120):** This form is used by the Committee to register handlers of avocados. Handlers supply their contact information to the Committee, which the Committee uses to keep handlers apprised of pertinent industry information throughout the crop season.
- i. **Application for Registered Processor: FV-217 (§§ 915.50(c), 915.141(b)):** This form registers with the Committee any person who desires to buy, as an approved manufacturer of avocado products, avocados for commercial processing. The form requests applicant information, which the Committee uses for verification and compliance purposes.

- j. **Recordkeeping: No form numbers, (§§ 905.148, 906.51(c), 915.50, 916.60, 917.50, 920.60(c), 922.60, 923.60, 924.60, 925.60(a)(b)(c), 927.70, 929.63):** This is a requirement imposed on a person or organization to maintain and retain specified records, notify third parties, such as the Federal government, that such records exist; disclose such records to third parties, such as the Federal government, and, report to third parties, such as the Federal government or the public, regarding such records.
- k. **Application for Producer Exemption Certificate: FV-210 (§ 915.53); FV-210-1 (§ 915.110):** The Committee uses this form to determine whether it should issue an Exemption Certificate to a grower who provides evidence that its avocados are maturing earlier than normal. This application requests information about the applicant’s avocado grove(s), and the reasons for which the applicant requests exemption from certain regulations. This information is needed by the Committee to evaluate and, if approved, authorize the applicant to ship avocados sooner than provided for in the Order’s maturity regulation.

The various Committees also create and maintain forms to collect information mandated by the regulations that accompany the Marketing Orders:

Order No. 905 – Citrus Grown in Florida:

- a. **Florida Citrus Crop Prospects: No form number (§ 905.50):** This form is used by growers and handlers of Florida citrus to estimate the size, grade and available crop of each variety of citrus regulated under the Order. This information is used by the Committee to develop an advisable marketing policy for the current shipping season.
- b. **Certificate of Privilege: CAC 100 and CAC 200 (§ 905.147); CAC 110 (§ 905.148):** Commodities that are shipped to the fresh market must meet certain requirements in grade, size, quality, maturity, pack, container, and inspection. The same commodities shipped to other outlets are exempt from these requirements, provided that they meet certain safeguards, one of which is a certification that a commodity shipped to an exempt outlet will not enter fresh market channels. To receive this exemption, a handler must apply to the Committee and acquire this certificate permitting each such shipment. The Committee uses this form to verify compliance with these requirements.
- c. **Special Purpose Shipment: CAC 201 (§ 905.147):** This form is used by handlers and receivers to report to the Committee on shipments made under Certificates of Privilege to special purpose or exempt outlets. This information is used by the Committee for compliance purposes.
- d. **Handler Loan and Transfer Form – Size 48 and Smaller Red Grapefruit, CAC 301 (§ 905.153):** This form was previously titled, “Administrative Regulation – Size 48 and Smaller Sized Red Grapefruit,” but has undergone a name change to more accurately reflect the purpose of the form. This form is filed by handlers loaning and/or receiving base quantity transfers during the extended 11-week regulation

period (weeks 12 through 22) of the crop season.

- e. **Report of Red Grapefruit Shipments by Day Regulation Week: CAC 302 (§ 905.153)**: Handlers file this form with the Committee, reporting on their daily shipments of size 48 and size 56 red grapefruit during the extended 11-week regulation period (weeks 12 through 22) of the crop season.
- f. **New Handler Application: CAC 303 (§ 905.153)**: This form is used when a handler first applies to the Committee to handle size 48 and size 56 red seedless grapefruit.
- g. **Grower Tree Run Certificate Application: CAC 401 (§ 905.149)**: This application must be filed with the Committee by each grower who chooses to participate in the program, providing information on the grower's citrus grove(s) and the estimated volume of fruit to be tree run.
- h. **Report of Shipments Under Grower Tree Run Certificate: CAC 402 (§ 905.149)**: Growers who participate in the voluntary tree run program must file this form with the Committee for each tree run shipment. This report enables the Committee to verify compliance with the program, while gathering data to determine its effectiveness. The grower must also provide a copy of the completed form to Road Guard Stations passed within the State, who are operated by the Florida Department of Agriculture, and monitor shipments of agricultural production in Florida.
- i. **Animal Feed: No form number (§ 905.142)**: The Committee has not used this form in many years and has decided to remove it from this information collection. This form is not being submitted for renewal.
- j. **Certificate of Certain Shipments: No form number (§ 905.145)**: The Committee has not used this form in many years and has decided to remove it from this information collection. This form is not being submitted for renewal.

Order No. 906 – Texas Citrus:

- a. **Diversion Report: No form number (§ 906.51)**: Handlers who ship fruit to processing plants complete this form and submit a copy to the Committee and the processor. This form allows the Committee to monitor handler compliance with the Order.
- b. **Handler Application: No form number (§ 906.51)**: Anyone who handles citrus fruit in the production area must file this application with the Committee, who approves or denies these applications, and also tracks the number of handlers in the production area.
- c. **Confidential Citrus Crop Questionnaire: No form number (§ 906.51 (a))**: This is a voluntary form that the Committee uses to gather information regarding the citrus crop outlook, such as fruit acreage, supply, quality, size, and maturity. The

information is used in determining promotion and advertising programs that are financed by the Committee, and also in setting assessment rates.

- d. **Seller/Buyer Certificate: No form number (§ 906.51(b), 906.151 (a), (b), (c)):** Sellers submit this form to the Committee any time they sell over 400 pounds of citrus fruit that is destined for resale inside the production area. The Committee uses this information to monitor compliance with the Order and to ensure that fruit does not leave the production area in violation of the Order's requirements.
- e. **Application & Certification Citrus By-Products Purchase Agreement: No form number (§ 906.123 (b)):** The Committee uses this form to register processors who intend to use Texas citrus fruit for processing of juice products, thus being exempt from fresh fruit regulations of the Order. These processors must certify that the fruit will not re-enter fresh fruit channels, and the Committee monitors compliance with this certification.
- f. **Information Data Sheet on Citrus Processor: No form number (§ 906.123(b)):** The Committee uses this form in conjunction with the Application & Certification Citrus By-Products Purchase Agreement as a means of maintaining records on processors of Texas citrus fruit.
- g. **Certificate of Privilege: No form number (§ 906.120(d)):** Commodities that are shipped to the fresh market must meet certain requirements in grade, size, quality, maturity, pack, container, and inspection. The same commodities shipped to other outlets are exempt from these requirements, provided that they meet certain safeguards, one of which is a certification that a commodity shipped to an exempt outlet will not enter fresh market channels. To receive this exemption, a handler must apply to the Committee and acquire this certificate permitting each such shipment. The Committee uses this form to verify compliance with these requirements.

Order No. 915 – Avocados:

- a. **Avocado Handler's Weekly Report Form: FV-215 (§§ 915.60, 915.150(a), (b)):** The Committee uses this form to track the avocado production and distribution in the production area, and to ensure the fruit is handled in accordance with Order requirements.

Order No. 916 – Nectarines:

- a. **Producer List for Referendum: FV-279 (§ 916.64):** Handlers use this form to report to the Secretary the names, addresses, and volumes of production for fresh shipment produced by their growers. The Secretary uses this information to ensure that referendum ballots are distributed to the greatest number of growers possible.

Order No. 917 – Peaches:

- a. **Producers List for Referendum on M.O. 917 (Peaches Shipped): FV-279A (§ 917.61):** Handlers use this form to report to the Secretary the names, addresses, and volumes of production for fresh shipment produced by their growers. The Secretary uses this information to ensure that referendum ballots are distributed to the greatest number of growers possible.

Order No. 920 – Kiwifruit:

- a. **Application for Inspection (Waiver Form): No form number (§ 920.110):** Handlers submit this form to the Committee to document shipments of kiwifruit that were handled without inspection due to special circumstances, but which met certain other requirements of the Order. The Committee uses this information to verify compliance with the Order.
- b. **Shipment Report: No form number (§ 920.160(a)):** Each handler must submit this form to the Committee on a monthly basis during the crop season, reporting shipments by destination and container type. The Committee uses this information to compile industry information and to verify individual assessments.
- c. **Kiwifruit Inventory Shipment System: No form number (§920.160(b)):** Handlers must complete this form and submit it to the Committee twice a month during the crop season, evidencing their inventory. The Committee tracks industry inventory throughout the crop season to monitor industry production and assessments.
- d. **Return Receipt of Kiwifruit to Growers: No form number (§ 920.160(c)):** Each handler must submit this form to the Committee when returning cull fruit to growers to ensure that all fruit returned to growers is not purchased and then sold in the fresh market. This form enables the Committee to ensure compliance with the Order.
- e. **Kiwifruit Inventory Shipment System Price/Shipment Report, No form number (§ 920.160(d)):** This form was previously approved under OMB number 0581-0255, Kiwifruit Grown in California. In the Federal Register notice, published on June 4, 2009, and in the supporting statement submitted with the request for approval, the AMS requested that this form be merged into this information collection. Once approved, 0581-0255 will be discontinued.

Handlers use this form to report weekly price and shipment information to the Committee, allowing the Committee to generate reports on which handlers can base their marketing decisions. Handlers who submit this form do not also need to submit the Kiwifruit Inventory Shipment System Shipment Form. The Kiwifruit Administrative Committee has also created an electronic version of this form that pre-populates the inputted information. The Committee transmits this form via e-mail to those handlers who request it, who can then enter the information on a computer and transmit the form to the Committee by return e-mail.

- f. **Kiwifruit Restyle Verification Form: No form number (§ 920.303):** Previously titled, “Kiwifruit Verification Form,” the Committee has changed the name of this form to more accurately reflect its purpose. Handlers must submit this form to the Federal-State Inspection Program (FSIP) any time kiwifruit is restyled from previously-inspected kiwifruit, prior to it being shipped. The FSIS must approve the shipment, and then notifies the Committee thereof. The Committee uses this information to monitor compliance with the Marketing Order.

Order No. 922 – Apricots:

- a. **Application for Waiver of Inspection at Time of Shipment: No form number (§§ 922.55, 922.111):** Handlers who are located in parts of the production area where the FSIP is not readily available to inspect their fruit may submit this form to the Committee seeking a waiver of inspection, as long as the fruit otherwise meets the requirements of the Order and Agreement, and they continue to pay assessments. The Committee uses the information on this form to approve or deny the waiver, and if approved, to verify compliance with the Order.
- b. **Waiver of Inspection Permit: No form number (§§ 922.55, 922.111):** The Committee uses this form to track fruit shipments that are made pursuant to the approval of the Application for Waiver of Inspection, and to determine compliance and assessments. All such shipments must be accompanied by this form certifying that they are packed in accordance with Order requirements.

Order No. 923 – Sweet Cherries:

- a. **Certificate of Privilege: No form number (§§ 923.54, 923.322):** Commodities that are shipped to the fresh market must meet certain requirements in grade, size, quality, maturity, pack, container, and inspection. The same commodities shipped to other outlets are exempt from these requirements, provided that they meet certain safeguards, one of which is a certification that a commodity shipped to an exempt outlet will not enter fresh market channels. To receive this exemption, a handler must apply to the Committee and acquire this certificate permitting each such shipment. The Committee uses this form to verify compliance with these requirements.

Order No. 924 – Fresh Prunes:

- a. **Handler Statement for Washington-Oregon Fresh Prunes: Form No. 1 (§ 924.160):** Handlers submit this form annually to the Committee, reporting on the volume of fruit handled that year, along with any assessments due. This allows the Committee to verify the accuracy of assessments owed and paid.

Order No. 925 – California Desert Grapes:

- a. **Grape Acreage Report: CDGAC – 7 (§ 925.50):** Handlers file this report annually

with the Committee, estimating the grape acreage in the production area, and the estimated volume of fruit that will be produced during the crop season. This information enables the Committee to develop the annual budget and assessment rate.

- b. **Organically Grown Grapes: CDGAC – 1 (§§ 925.54, 925.304(c)):** Producers and/or handlers file this form annually with the Committee to request exemption from berry size regulations for organically-grown grapes. Recipients of this exemption must meet certain requirements. The Committee uses this information to track organic producers, and to ensure compliance with the Order.
- c. **Experimental Containers: CDGAC – 5 (§ 925.54):** This form is filed annually by handlers requesting exemption from the Marketing Order container requirements. Under the Order, only certain sizes and weights of containers are authorized for use in marketing desert grapes. With the approval of an application, however, a handler may use a different size container than is authorized by the Order. This request is rarely made, but the Committee uses the information collected in this form to verify compliance with the Order.
- d. **End of Season Shipment Report, CDGAC – 3 (§ 925.160):** Handlers submit this form to the Committee at the close of each season, documenting the grape shipments they made during the season. The Committee uses this information to track fruit production and shipments.

Order No. 927 – Fresh Pears:

- a. **Handler Statement of Fresh Pear Shipments: No form number (§§ 927.70, 927.125):** Every other Friday during the marketing season, handlers report shipment information by date shipped, number of containers of each pear variety, and destination to the Committee for assessment and compliance purposes.
- b. **Pear Size and Grade Storage Report: No form number (§§ 927.70, 927.125):** Handlers file this monthly report with the Committee documenting unsold pear volume and storage information. The Committee uses this information in making marketing determinations of fresh winter pears.
- c. **Handler’s Packout Report: No form number (§§ 927.70, 927.125):** Pear handlers complete this report every two weeks during the crop season to keep the Committee informed of the pear industry production. This report includes information on a handler’s pear volume for sale domestically and internationally, and the volume in storage. This information is used for compliance purposes.
- d. **Organic Handler’s Packout Report: No form number (§§ 927.70, 927.125):** This is a new form. Handlers of organic pears complete this report at the beginning of the crop season to keep the Committee informed of the production of organic pears. This report includes information on a handler’s organic pear volume for sale domestically and internationally, and the volume in storage. This information is used for

compliance purpose.

Order No. 927 – Processed Pears:

- a. **Assessment Report: No form number (§§ 927.70, 927.125):** Handlers file this form annually with the Processed Pear Committee documenting sales of fruit for processing, along with submission of their assessments. The Committee uses this information for verification and compliance purposes.

Order No. 929 – Cranberries:

- a. **Grower Sales and Acreage Report: CMC-GSAR-1 (§§ 929.62):** Growers file this form annually with the Committee, documenting cranberry acreage and sales. This information enables the Committee to compute the sales history for the crop year.
- b. **Leased Acreage Form: CMC-L1 (§§ 929.49, 929.50):** Lessors submit this form to the Committee if they transfer sales history to a lessee, and indicate the lease terms. The Committee tracks sales history of each crop year. For accuracy purposes, the Committee must therefore be notified when sales history transfers ownership.
- c. **Cranberry Acreage & Sales History Transfer Forms: CMC-Trf 20XX-20XX (§§ 929.50, 929.110):** Sellers and buyers of cranberry acreage submit these forms to the Committee when sales history is transferred. Because the Committee tracks sales history, it requires notification of a change in ownership.
- d. **Inter-handler Transfer Form: 1HTR (§ 929.55):** Handlers who transfer cranberries to other handlers file this form with the Committee, noting which handler is assuming the assessment obligation for that fruit. The Committee uses this information to track assessments.
- e. **Grower Acquisition Listing: CMC-GAL (§ 929.62):** Growers file this form annually, noting from whom they acquired cranberries during the current crop year. The Committee completes information relating to cranberries acquired during the previous crop year, and uses this information to track cranberry production volume.
- f. **Handler Inventory Report: HIR (§§ 929.62, 929.105):** This form was previously titled, “HIR-2.” Handlers submit this report to the Committee, documenting their cranberry inventory for the crop year. The Committee uses this information to track cranberry production volume. Since 2007, the Committee has stopped tracking incidents of *vaccinium oxycoccus*, so that information request no longer appears on this form. In addition the HIR Amended and Supplement forms have been obsoleted.
- g. **Processor Inventory Report: PIR (§§ 929.62, 929.105):** Processors submit this form to the Committee documenting their cranberry inventory. This information is used for third-party verification of Handler Inventory Reports. Since 2007, the Committee has stopped tracking incidents of *vaccinium oxycoccus*, so that

information request no longer appears on this form.

- h. Growers Notice of Intent to Produce and Qualifying for Annual Allotment Form: CMC-AL 1 (§ 929.49(d)):** In the event volume regulation is implemented, the Committee would require growers to qualify for their allotment by filing this form annually with the Committee. This form requires growers to provide details on their cranberry acreage and production, and enables the Committee to ensure compliance with allotment regulations.
- i. Allotment Transfer and Disposition Agreement: CMC -T7 (§ 929.151(c)):** Growers may enter into agreements with handlers as to the disposition of their annual allotments. This form documents the terms of those agreements. This information enables the Committee to monitor grower allotments and ensure compliance with the Order.
- j. Letter of Acknowledgement: No form number (§ 929.66):** This is a new form. This letter is mailed to handlers along with the Committee's Compliance Plan. Handlers sign and submit this letter to the Committee to verify that they have received the Compliance Plan.

3. DESCRIBE WHETHER, AND TO WHAT EXTENT, THE COLLECTION OF INFORMATION INVOLVES THE USE OF AUTOMATED, ELECTRONIC, MECHANICAL, OR OTHER TECHNOLOGICAL COLLECTION TECHNIQUES OR OTHER FORMS OF INFORMATION TECHNOLOGY, E.G. PERMITTING ELECTRONIC SUBMISSION OF RESPONSES, AND THE BASIS FOR THE DECISION FOR ADOPTING THIS MEANS OF COLLECTION. ALSO, DESCRIBE ANY CONSIDERATION OF USING INFORMATION TECHNOLOGY TO REDUCE BURDEN.

Upon approval, these forms will be used to submit information directly to the Committees that administer the respective Orders. These Committees are not part of a Federal agency, but are industry commodity Committees that operate under Federal authority and oversight.

The availability and submission of forms electronically is at the Committees' discretion. Currently, most forms are transmitted by fax and mail. Some Committees are transmitting some forms via e-mail, but many handlers and growers do not have the ability to access electronic forms. The Kiwifruit Administrative Committee does, however, transmit one form via e-mail, which is electronically pre-populated by handlers, and then returned to the Committee.

Information collection forms are periodically reviewed by each Committee to ensure that they are understood by industry members, are easy to complete, and place as small a burden as possible on the respondents.

4. DESCRIBE EFFORTS TO IDENTIFY DUPLICATION. SHOW SPECIFICALLY

WHY ANY SIMILAR INFORMATION ALREADY AVAILABLE CANNOT BE USED OR MODIFIED FOR USE FOR THE PURPOSE(S) DESCRIBED IN ITEM 2 ABOVE.

Reports and forms are periodically reviewed to avoid unnecessary duplication of information collection by industry and public sector agencies. At the present time, there is no duplication between Federal agencies.

5. IF THE COLLECTION OF INFORMATION IMPACTS SMALL BUSINESSES OR OTHER SMALL ENTITIES (ITEM 5 OF THE OMB FORM 83-I), DESCRIBE THE METHODS USED TO MINIMIZE BURDEN.

Information collection requirements have been reduced to the minimum requirements of each Order. Forms require only a minimal amount of information, which can be supplied without data processing equipment or a trained statistical staff. The primary sources of data used to complete the forms are routinely used in all business transactions. Thus, the information collection and reporting burden is relatively small, and requires the same reporting requirements for all handlers and receivers. It does not significantly disadvantage any handler or receiver that is smaller than industry average.

6. DESCRIBE THE CONSEQUENCE TO FEDERAL PROGRAM OR POLICY ACTIVITIES IF THE COLLECTION IS NOT CONDUCTED OR IS CONDUCTED LESS FREQUENTLY, AS WELL AS ANY TECHNICAL OR LEGAL OBSTACLES TO REDUCING BURDEN.

If this information collection was not conducted, not only would the Secretary lose his ability to administer the Orders, but the Committees also would have no way of monitoring industry compliance with their respective Orders and Agreements. They would also not be able to determine the assessments due from industry handlers and growers, which would negatively impact any market research and promotion activities.

7. EXPLAIN ANY SPECIAL CIRCUMSTANCES THAT WOULD CAUSE AN INFORMATION COLLECTION TO BE CONDUCTED IN A MANNER:

REQUIRING RESPONDENTS TO REPORT INFORMATION TO THE AGENCY MORE OFTEN THAN QUARTERLY;

Several of the forms in this information collection require respondents to report information more often than quarterly:

Handler's Packout Report: No form number (§§ 927.70, 927.125): Respondents are required to file this form with the Committee every two weeks during the crop season. The Committee needs this information to stay informed on the pear industry production.

Shipment Report: No form number (§ 920.160(a)): Each handler must submit this form to the Committee on a monthly basis during the crop season, reporting shipments by

destination and container type. The Committee uses this information promptly to compile industry information and to verify individual assessments.

Kiwifruit Inventory Shipment System: No form number (§920.160(b)): Handlers must complete this form and submit it to the Committee twice a month during the crop season, evidencing their inventory. The Committee tracks industry inventory throughout the crop season and needs this information to monitor industry production and assessments.

Kiwifruit Inventory Shipment System Price/Shipment Report, No form number (§ 920.160(d)): Handlers use this form to report weekly price and shipment information to the Committee, allowing the Committee to generate reports on which handlers can base their marketing decisions. The Committee cannot generate useful marketing information for handlers without this information.

Handler Statement of Fresh Pear Shipments: No form number (§§ 927.70, 927.125): Every other Friday during the marketing season, handlers report shipment information by date shipped, number of containers of each pear variety, and destination to the Committee for assessment and compliance purposes.

Pear Size and Grade Storage Report: No form number (§§ 927.70, 927.125): Handlers file this monthly report with the Committee documenting unsold pear volume and storage information. The Committee uses this information in making marketing determinations of fresh winter pears.

REQUIRING RESPONDENTS TO PREPARE A WRITTEN RESPONSE TO A COLLECTION OF INFORMATION IN FEWER THAN 30 DAYS AFTER RECEIPT OF IT;

REQUIRING RESPONDENTS TO SUBMIT MORE THAN AN ORIGINAL AND TWO COPIES OF ANY DOCUMENT;

REQUIRING RESPONDENTS TO RETAIN RECORDS, OTHER THAN HEALTH, MEDICAL, GOVERNMENT CONTRACT, GRANT-IN-AID, OR TAX RECORDS FOR MORE THAN 3 YEARS;

IN CONNECTION WITH A STATISTICAL SURVEY, THAT IS NOT DESIGNED TO PRODUCE VALID AND RELIABLE RESULTS THAT CAN BE GENERALIZED TO THE UNIVERSE OF STUDY;

REQUIRING THE USE OF A STATISTICAL DATA CLASSIFICATION THAT HAS NOT BEEN REVIEWED AND APPROVED BY OMB;

THAT INCLUDES A PLEDGE OF CONFIDENTIALITY THAT IS NOT SUPPORTED BY AUTHORITY ESTABLISHED IN STATUTE OR REGULATION, THAT IS NOT SUPPORTED BY DISCLOSURE AND DATA

SECURITY POLICIES THAT ARE CONSISTENT WITH THE PLEDGE, OR WHICH UNNECESSARILY IMPEDES SHARING OF DATA WITH OTHER AGENCIES FOR COMPATIBLE CONFIDENTIAL USE; OR

REQUIRING RESPONDENTS TO SUBMIT PROPRIETARY TRADE SECRET, OR OTHER CONFIDENTIAL INFORMATION UNLESS THE AGENCY CAN DEMONSTRATE THAT IT HAS INSTITUTED PROCEDURES TO PROTECT THE INFORMATION'S CONFIDENTIALITY TO THE EXTENT PERMITTED BY LAW.

There are no other special circumstances. The collection of information is conducted in a manner consistent with the guidelines in 5 CFR 1320.6.

- 8. IF APPLICABLE, PROVIDE A COPY AND IDENTIFY THE DATE AND PAGE NUMBER OF PUBLICATION IN THE FEDERAL REGISTER OF THE AGENCY'S NOTICE, REQUIRED BY 5 CFR 1320.8(d), SOLICITING COMMENTS ON THE INFORMATION COLLECTION PRIOR TO SUBMISSION TO OMB. SUMMARIZE PUBLIC COMMENTS RECEIVED IN RESPONSE TO THAT NOTICE AND DESCRIBE ACTIONS TAKEN BY THE AGENCY IN RESPONSE TO THESE COMMENTS. SPECIFICALLY ADDRESS COMMENTS RECEIVED ON COST AND HOUR BURDEN.**

A 60-day notice was published in the Federal Register on June, 24, 2010 (Vol. 75, No. 121, page 36059), which invited comments from interested persons through August 23, 2010. One comment was received, expressing support for the USDA's generic information collection requirements.

DESCRIBE EFFORTS TO CONSULT WITH PERSONS OUTSIDE THE AGENCY TO OBTAIN THEIR VIEWS ON THE AVAILABILITY OF DATA, FREQUENCY OF COLLECTION, THE CLARITY OF INSTRUCTIONS AND RECORDKEEPING, DISCLOSURE, OR REPORTING FORMAT (IF ANY), AND ON THE DATA ELEMENTS TO BE RECORDED, DISCLOSED, OR REPORTED.

CONSULTATION WITH REPRESENTATIVES OF THOSE FROM WHOM INFORMATION IS TO BE OBTAINED OR THOSE WHO MUST COMPILE RECORDS SHOULD OCCUR AT LEAST ONCE EVERY 3 YEARS -- EVEN IF THE COLLECTION OF INFORMATION ACTIVITY IS THE SAME AS IN PRIOR PERIODS. THERE MAY BE CIRCUMSTANCES THAT MAY PRECLUDE CONSULTATION IN A SPECIFIC SITUATION. THESE CIRCUMSTANCES SHOULD BE EXPLAINED.

The Committees meet throughout the year to assess the Orders' regulatory and informational needs. The Committees assess the type of information that is collected, and also keep close contact with industry representatives and trade associations to ensure their utmost efficiency. The Committees endeavor to consult with representatives from

whom the information is to be obtained at least every three years. In addition, notices of Committee meetings are sent to all those associated with the respective industry, and any concerns regarding Committee issues are welcome. Use of these forms has been discussed with the following Committee managers and their staff:

M.O. No. 905 – Citrus Administrative Committee, Manager, Arthur (Duke) Chadwell, (863) 682-3103.

M.O. No. 906 – Texas Valley Citrus Committee, Manager, John McClung, (956) 581-2190.

M.O. No. 915 – Florida Avocado Administrative Committee, Manager Alan Flinn, (305) 247-0848.

M.O. No. 916 – Nectarine Commodity Committee, Manager, Gary Van Sickle, (559) 638-8260.

M.O. No. 917 – Peach Commodity Committee, Manager, Gary Van Sickle, (559) 638-8260.

M.O. No. 920 – Kiwifruit Administrative Committee, Manager Chris Zanobini, (916) 441-0678.

M.O. No. 922 – Washington Apricot Marketing Committee, Manager Lucille McFarland, (509) 457-7697.

M.O. No. 923 – Washington Cherry Marketing Committee, Manager B.J. Thurlby, (509) 453-4837.

M.O. No. 924 – Washington -Oregon Fresh Prune Marketing Committee, Manager Lucille McFarland, (509) 457-7697.

M.O. No. 925 – California Desert Grape Administrative Committee, Manager, Lorrie Cooper, (760) 342-4385.

M.O. No. 927 – Fresh Pear Committee, Manager, Kevin Moffitt, (503) 652-9720.

M.O. No. 927 – Processed Pear Committee, Manager, B.J. Thurlby, (509) 453-4837.

M.O. No. 929 – Cranberry Marketing Committee, General Manager, David Farrimond, (508) 291-1510, ext. 14.

9. EXPLAIN ANY DECISION TO PROVIDE ANY PAYMENT OR GIFT TO RESPONDENTS, OTHER THAN REMUNERATION OF CONTRACTORS OR GRANTEEES.

Respondents are not provided with gifts or payments for providing information.

10. DESCRIBE ANY ASSURANCE OF CONFIDENTIALITY PROVIDED TO RESPONDENTS AND THE BASIS FOR THE ASSURANCE IN STATUTE, REGULATION, OR AGENCY POLICY.

Section 608(d) of the Act provides that information acquired is kept confidential. Reports submitted to the Committees are accessible only by the Committee managers and staff, AMS field office employees, and certain USDA employees in Washington, D.C. Committee members have access to handler reports and assessment records for the purpose of administering compliance with the Orders, and determining assessments, but are under strict orders to maintain the confidentiality of this information by securing these records under lock and key. The Committee staffs are aware of the penalties for violating confidentiality requirements. Forms, such as ballots, which request confidential information, contain statements that the information will be held in strict confidence.

11. PROVIDE ADDITIONAL JUSTIFICATION FOR ANY QUESTIONS OF A SENSITIVE NATURE, SUCH AS SEXUAL BEHAVIOR AND ATTITUDES, RELIGIOUS BELIEFS, AND OTHER MATTERS THAT ARE COMMONLY CONSIDERED PRIVATE. (THIS JUSTIFICATION SHOULD INCLUDE THE REASONS WHY THE AGENCY CONSIDERS THE QUESTIONS NECESSARY, THE SPECIFIC USES TO BE MADE OF THE INFORMATION, THE EXPLANATION TO BE GIVEN TO PERSONS FROM WHOM THE INFORMATION IS REQUESTED, AND ANY STEPS TO BE TAKEN TO OBTAIN THEIR CONSENT).

Questions of a sensitive nature are not included on any form in this information collection. Private information is required on the “Confidential Background Statement” for grower and public members and alternates, which are completed by Committee nominees. This form inquires about a nominee’s qualifications to serve on a Committee, such as position in a firm, years growing or handling a commodity, approximate volume grown or handled, and offices held in industry organizations. This information is provided to the Secretary for use in the selection process.

12. PROVIDE ESTIMATES OF THE HOUR BURDEN OF THE COLLECTION OF INFORMATION. THIS STATEMENT SHOULD:

INDICATE THE NUMBER OF RESPONDENTS, FREQUENCY OF RESPONSE, ANNUAL HOUR BURDEN, AND AN EXPLANATION OF HOW THE BURDEN WAS ESTIMATED. UNLESS DIRECTED TO DO SO, AGENCIES SHOULD NOT CONDUCT SPECIAL SURVEYS TO OBTAIN INFORMATION ON WHICH TO BASE HOUR BURDEN ESTIMATES. CONSULTATION WITH A SAMPLE (FEWER THAN 10) OF POTENTIAL RESPONDENTS IS DESIRABLE. IF THE HOUR BURDEN ON RESPONDENTS IS EXPECTED TO VARY WIDELY BECAUSE OF DIFFERENCE IN ACTIVITY, SIZE OR

COMPLEXITY, SHOW THE RANGE OF ESTIMATED HOUR BURDEN, AND EXPLAIN THE REASONS FOR THE VARIANCE. GENERALLY, ESTIMATES SHOULD NOT INCLUDE BURDEN HOURS FOR CUSTOMARY AND USUAL BUSINESS PRACTICES.

IF THIS REQUEST FOR APPROVAL COVERS MORE THAN ONE FORM, PROVIDE SEPARATE HOUR BURDEN ESTIMATES FOR EACH FORM AND AGGREGATE THE HOUR BURDENS IN ITEM 13 OF OMB FORM 83-I.

See AMS-71 spreadsheet for breakout of burden.

PROVIDE ESTIMATES OF ANNUALIZED COST TO RESPONDENTS FOR THE HOUR BURDENS FOR COLLECTIONS OF INFORMATION, IDENTIFYING AND USING APPROPRIATE WAGE RATE CATEGORIES.

The respondents' estimated annual cost of providing information to the Committees is \$266,909. This total has been estimated by multiplying 8,574 total burden hours, by \$31.13, the national mean hourly wage of Farm, Ranch, and Other Agricultural Managers, according to the U.S. Department of Labor Statistics. (National Compensation Survey: Occupational Employment and Wages, May 2009; <http://bls.gov/oes/current/oes119011.htm>.)

13. PROVIDE AN ESTIMATE OF THE TOTAL ANNUAL COST BURDEN TO RESPONDENTS OR RECORDKEEPERS RESULTING FROM THE COLLECTION OF INFORMATION. (DO NOT INCLUDE THE COST OF ANY HOUR BURDEN SHOWN IN ITEMS 12 AND 14).

THE COST ESTIMATE SHOULD BE SPLIT INTO TWO COMPONENTS: (a) A TOTAL CAPITAL AND START-UP COST COMPONENT (ANNUALIZED OVER ITS EXPECTED USEFUL LIFE); AND (b) A TOTAL OPERATION AND MAINTENANCE AND PURCHASE OF SERVICES COMPONENT. THE ESTIMATES SHOULD TAKE INTO ACCOUNT COSTS ASSOCIATED WITH GENERATING, MAINTAINING, AND DISCLOSING OR PROVIDING THE INFORMATION. INCLUDE DESCRIPTIONS OF METHODS USED TO ESTIMATE MAJOR COST FACTORS INCLUDING SYSTEM AND TECHNOLOGY ACQUISITION, EXPECTED USEFUL LIFE OF CAPITAL EQUIPMENT, THE DISCOUNT RATE(S), AND THE TIME PERIOD OVER WHICH COSTS WILL BE INCURRED. CAPITAL AND START-UP COSTS INCLUDE, AMONG OTHER ITEMS, PREPARATION FOR COLLECTING INFORMATION SUCH AS PURCHASING COMPUTERS AND SOFTWARE; MONITORING, SAMPLING, DRILLING AND TESTING EQUIPMENT; AND RECORD STORAGE FACILITIES.

IF COST ESTIMATES ARE EXPECTED TO VARY WIDELY, AGENCIES SHOULD PRESENT RANGES OF COST BURDENS AND EXPLAIN THE REASONS FOR THE VARIANCE. THE COST OF PURCHASING OR

CONTRACTING OUT INFORMATION COLLECTION SERVICES SHOULD BE A PART OF THIS COST BURDEN ESTIMATE. IN DEVELOPING COST BURDEN ESTIMATES, AGENCIES MAY CONSULT WITH A SAMPLE OF RESPONDENTS (FEWER THAN 10), UTILIZE THE 60-DAY PRE-OMB SUBMISSION PUBLIC COMMENT PROCESS AND USE EXISTING ECONOMIC OR REGULATORY IMPACT ANALYSIS ASSOCIATED WITH THE RULEMAKING CONTAINING THE INFORMATION COLLECTION, AS APPROPRIATE.

GENERALLY, ESTIMATES SHOULD NOT INCLUDE PURCHASES OF EQUIPMENT OR SERVICES, OR PORTIONS THEREOF, MADE: (1) PRIOR TO OCTOBER 1, 1995; (2) TO ACHIEVE REGULATORY COMPLIANCE WITH REQUIREMENTS NOT ASSOCIATED WITH THE INFORMATION COLLECTION; (3) FOR REASONS OTHER THAN TO PROVIDE INFORMATION OR KEEPING RECORDS FOR THE GOVERNMENT; OR (4) AS PART OF CUSTOMARY AND USUAL BUSINESS OR PRIVATE PRACTICES.

There are no start-up/capital or operations/maintenance costs associated with this collection.

14. PROVIDE ESTIMATES OF ANNUALIZED COST TO THE FEDERAL GOVERNMENT. ALSO, PROVIDE A DESCRIPTION OF THE METHOD USED TO ESTIMATE COST, WHICH SHOULD INCLUDE QUANTIFICATION OF HOURS, OPERATION EXPENSES (SUCH AS EQUIPMENT, OVERHEAD, PRINTING, AND SUPPORT STAFF), AND ANY OTHER EXPENSE THAT WOULD NOT HAVE BEEN INCURRED WITHOUT THIS COLLECTION OF INFORMATION. AGENCIES ALSO MAY AGGREGATE COST ESTIMATES FROM ITEMS 12, 13, AND 14 IN A SINGLE TABLE.

The Federal government's annual costs for providing oversight of, and assistance for, this information collection is estimated at \$106,876 for the first year, and \$110,082 for subsequent years, assuming a cost of living increase to salaries, and higher overhead costs. A breakdown of the oversight costs for the first year is as follows:

| | |
|----------------------------------|-----------|
| Salaries/benefits/awards | \$10,476 |
| Travel | \$30,000 |
| Printing/Copying/Mailing/Postage | \$44,000 |
| Federal Register Services | \$2,400 |
| OGC (Legal Services) | \$8,000 |
| Supplies/Equipment | \$12,000 |
| TOTAL | \$106,876 |

These figures reflect a reduction in costs since the last renewal of this information collection, as they no longer account for costs associated with administering the Orders, but rather reflect only of the costs of completing the information collection renewal.

15. EXPLAIN THE REASON FOR ANY PROGRAM CHANGES OR ADJUSTMENT REPORTED IN ITEMS 13 OR 14 OF THE OMB FORM 83-I.

The Agency is requesting approval for 8,574 burden hours, based on 27,908 annual responses. Since the last submission in 2007, there is an increase of 114 burden hours. The difference is an overall increase in burden hours resulting from increases to the number of respondents to several of the forms as well as decreases to the number of the respondents of several of the forms. In a few instances, the number of respondents increased, causing the burden to increase.

Two new forms were added to this collection: 1) the Organic Handler's Packout Report, used by the Fresh Pear Committee (Marketing Order No. 927) to collect production information from organic pear handlers, and 2) a Letter of Acknowledgement, which is mailed by the Cranberry Marketing Committee (Marketing Order No. 929) to handlers, who sign and return the letter to the Committee to verify receipt of the Committee's Compliance Plan. In addition, the information collection for Kiwifruit Grown in California, previously approved under OMB No. 0581-0255, was merged into this collection.

The Avocado Administrative Committee no longer has use for form FV-98-A, an amendment referendum ballot and it became obsolete. The burden for FV-98-A was already accounted for in FV-98, so there was no overall change in burden to the package, since only one form was ever used in any given year. In addition, FV-304A and FV-304B were combined into a single form FV-304 to encompass nectarine, peach and pear voters into one ballot.

Attachment 1 provides a summary of the reasons for changes in the burden of this information collection since the last submission.

16. FOR COLLECTIONS OF INFORMATION WHOSE RESULTS ARE PLANNED TO BE PUBLISHED, OUTLINE PLANS FOR TABULATION AND PUBLICATION. ADDRESS ANY COMPLEX ANALYTICAL TECHNIQUES THAT WILL BE USED. PROVIDE THE TIME SCHEDULE FOR THE ENTIRE PROJECT, INCLUDING BEGINNING AND ENDING DATES OF THE COLLECTION OF INFORMATION, COMPLETION OF REPORT, PUBLICATION DATES, AND OTHER ACTIONS.

There are no plans to publish any information or data collected.

17. IF SEEKING APPROVAL TO NOT DISPLAY THE EXPIRATION DATE FOR OMB APPROVAL OF THE INFORMATION COLLECTION, EXPLAIN THE REASONS THAT DISPLAY WOULD BE INAPPROPRIATE.

The AMS requests approval not to display the expiration date on the forms associated with this information collection because having to do so would 1) decrease the efficiency of

the Marketing Order programs, 2) be financially prohibitive to some Committees, and 3) delay the use of such forms and cause confusion to the respondents.

Displaying expiration dates on the forms in this information collection would decrease the efficiency of these Marketing Order programs. At the time the forms expire, each Committee would need to destroy otherwise-usable forms, counteracting the Administration's goal of increasing program efficiency. As the forms are widely distributed, there is the possibility that a respondent could inadvertently complete an expired form before a new form was distributed, having a severe adverse legal impact if the validity of the form were ever challenged. For example, if expired ballots were inadvertently used to elect Committee members, the members' seats could later be found to be invalid, causing a disruption of the Committee, requiring re-election, and negatively affecting the entire applicable commodity industry. This would increase legal and administrative costs, and greatly decrease efficiency.

Some of the Committees are very small with small operating budgets, and rely heavily on financial discounts to function properly. As such, they order large quantities of these forms at once to get lower printing prices, knowing that they will be in use for several years. Displaying expiration dates on the forms could financially devastate them as they simply could not afford to reprint forms or pay more for the forms they order from the printer.

Finally, putting expiration dates on the forms prevents them from being used once they reach expiration while the new forms are in the OMB-approval process. Committees mail forms to respondents in a timely manner to ensure accurate completion. If a Committee needs to order additional forms during this process, it could not order the forms with a new expiration date, as there are no guarantees that a requested expiration date would be approved by OMB. This would delay the Committee's use of these forms, and hinder the smooth operation of Marketing Order requirements. Displaying expiration dates on forms also confuses respondents, who may think that the expiration date applies to the time their information is due, rather than the validity of the actual form.

18. EXPLAIN EACH EXCEPTION TO THE CERTIFICATION STATEMENT IDENTIFIED IN ITEM 19, "CERTIFICATION FOR PAPERWORK REDUCTION ACT SUBMISSIONS," OF OMB FORM 83-I.

The Agency is able to certify compliance with all provisions under item 19 of OMB form 83-I.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection of information does not employ statistical methods.